

REMARKS

Claims 19, 21-22, 24-25, and 27-39 will be pending upon entry of the present amendment. Claims 19, 22, 25, 27, and 29 are being amended. Claims 20 and 26 are being cancelled. Claims 31-39 are new.

Claims 20, 22, 26, 27, and 29 were rejected under 35 U.S.C. § 112, first paragraph, as not being supported by a written description.

With respect to claims 20¹ and 27, the applicant disagrees with the assertion that the specification never discloses a ring-shaped projecting portion structured to enable the device to be activated through the projecting portion. Figures 7-8 show a ring-shaped projecting portion 51 positioned on an electronic device 30. As explained on page 7, line 22 – page 8, line 10, the ring 51 abuts the upper half-mold 120 in Figure 7 to prevent any plastic material from covering the inner part 31 of the device 30. Figure 8 shows the inner part 31 of the device 30 being uncovered, which would enable the device to be activated through the opening in the ring.

With respect to claims 22 and 29, the applicant disagrees with the assertion that the specification never discloses a projecting portion surrounded by a dyke or barrier formed on a surface of the electronic circuit. Page 4, lines 14-17 and original claim 22 both describe the arrangement of the dyke and projecting portion. The language of original claim 22 is being incorporated into page 4 of the detailed description as a formality.

With respect to claim 26, the specification discloses a membrane 32 positioned on a transparent layer 31 of the electronic device 30 (see page 4, lines 20-22 and Figure 3). In addition, the “membrane 32 has a concavity arranged to face the transparent layer 31 so as to delimit a recess 33” (page 4, lines 22-23). Thus, the referenced section of page 4 provides written support for claim 26.²

For the reasons expressed above, claims 19-30 are supported by an adequate written description of the invention.

¹ The language of claim 20 is being incorporated into claim 19, and claim 20 is being canceled.

² The language of claim 26 is being incorporated into claim 25, and claim 26 is being canceled.

Claims 24 and 30 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

The applicant disagrees with the assertion that "a proximity sensor" is indefinite. The specification at page 4, lines 1-4 describes proximity sensors of the touch or optical type. In addition, those skilled in the art would recognize that other proximity sensors, such as magnetic sensors, could be employed. Claims 24 and 30 are intended to cover all proximity sensors. There is nothing in the rules or case law that requires claims 24 and 30 to be restricted to a single type of proximity sensor. Accordingly, claims 24 and 30 particularly point out and distinctly claim the invention.

Claims 19, 21, 24-25, 28, and 30 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,948,991 to Nomura et al. ("Nomura").

Independent claims 19 and 25 are being amended to include the elements of claims 20 and 26, respectively. As apparently recognized by the Examiner given the failure to reject claims 20 and 26 in view of Nomura, the cited prior art does not disclose the invention recited in claims 19 and 25, respectively. In particular, Nomura does not disclose the ring-shaped projecting portion of amended claim 19 and the concave membrane that leaves a recess as recited in amended claim 25. Accordingly, claims 19 and 25 are not anticipated by Nomura.

Claims 21 and 24 depend on claim 19 and claims 28 and 30 depend on claim 25, and thus, these claims similarly are not anticipated by Nomura.

New claims 31-39 are also allowable over the cited prior art. In particular, new claim 31 recites that electronic circuit is embedded in the protective package which supports the electronic circuit and contacts the lateral sides of the electronic circuit. Nomura does not teach or suggest such an embedded arrangement of a circuit and protective package. Instead, Nomura merely supports a sensing element unit 10 on a glass base 13 that sits on a pre-molded resin block 3. Using a pre-molded resin block 3 requires Nomura to provide an opening 3a that is much larger than the sensing element unit 10, and thus, the opening 3a must be at least partially filled in by a protective gel 15. As such, the resin block 3 does not contact the sides of the sensing element unit 10 and the unit 10 is not embedded in the resin block. In contrast, in one embodiment of the invention shown in Figure 4 of the application, a sensor 30 is embedded right

in a protective package 9 such that the package 9 supports and contacts the lateral sides of the sensor (of course, the claims are not limited to the embodiment of Figure 4). Accordingly, new claims 31-39 are in condition for allowance.

The applicant submits that all pending claims are allowable in view of the foregoing remarks. If there are any remaining issues to be resolved the applicant respectfully requests the Examiner to contact the applicant's attorney, Robert Iannucci, for a telephone interview.

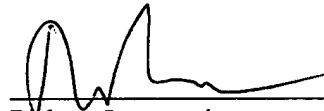
The Commissioner is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

Giovanni Frezza

SEED Intellectual Property Law Group PLLC



Robert Iannucci
Registration No. 33,514

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031

415992_1.DOC